The City of Morgantown

DEVELOPMENT SERVICES DEPARTMENT

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
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www.morgantownwv.gov

September 19, 2013

VIA CERTIFIED MAIL

Sunnyside Properties, LLC
c/o William Morlino
P.O. Box 599
Morgantown, WV 26507-0599

**RE: CU13-15 / Sunnyside Properties, LLC / 300 Carson Street
Tax Map 20, Parcel 148**

Dear Mr. Morlino:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced conditional use petition for a "Personal Storage Facility" use in the B-2 District at 300 Carson Street. The decision is as follows:

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Board of Zoning Appeals, September 18, 2013:

1. Findings of Fact No. 1 through No. 6 were found in the positive as stated in Addendum A of this letter.

2. Findings of Fact No. 7 and No. 8 were found in the **negative** as stated in Addendum A of this letter.

3. The Board **denied** the subject conditional use petition based on its negative findings and conclusions as stated in Addendum A of this letter.

In addition, the Board tabled variance petitions under Case Nos. V13-36, V13-49, V13-50, V13-51, and V13-52 to allow you to work with this office in revising the proposed development program and/or pursue an appeal of the Board's denial of Case No. CU13-15 as the noted variance petitions relate directly to said conditional use petition in terms of design, performance, transparency, and parking standards and indirectly in terms of setbacks and building height standards for which you are presently pursuing relief.

These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days.

Respectfully,

Christopher M. Fletcher, AICP
Director of Development Services

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

Structure to be used as storage. Maximum vehicle use should be limited to one vehicle at any given time.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

Very limited use of structure. The building will comply with all related building and fire codes.

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

The proposed building will be a one story structure on existing foundation with much of the building below adjoining grades, which should not adversely affect existing light distribution and air flow patterns.

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

Will occupy only 52% of existing lot.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

No person will be living in the structure.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

The proposed one-story storage structure will not require additional public services or facilities that are not presently available to the site or the general vicinity.

Finding of Fact No. 7 – Value of buildings will NOT be conserved, in that:

The "Personal Storage Facility" use, as proposed, appears to be more commonly associated with an accessory use rather than a principal use, which will not contribute to or conserve the value of neighboring uses, structures, or the built environment given the B-2 District zoning classification of the subject property and the prevailing development pattern of commercial and multi-family residential uses within the immediate B-2 District.

Finding of Fact No. 8 – The most appropriate use of land is NOT encouraged, in that:

The "Personal Storage Facility" use, as proposed, does not appear to be the highest and best use of the subject property given the B-2 District zoning classification of the subject property and immediate area; the uses and development opportunities otherwise permitted by-right thereon; and, the existing uses and development patterns within the immediate area.